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ATTORNEY DOCKET No.: 2003946-0080 (FP04-0096-00US-XX)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Yamamoto, et. al. Examiner: NYA  
Serial No: 10/797,903 Group Art Unit: 3612  
Filing Date: March 10, 2004  
Priority Appln. No.: JP 2003-062823; filed: March 10, 2003  
JP 2003-302803; filed: August 27, 2003  
Title: c-KIT KINASE INHIBITOR

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Certificate of Mailing	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
<u>12-3-04</u>	<u>Sandra Saccocia</u>
Date	Signature
	<u>Sandra Saccocia</u>
Typed or Printed Name of person signing certificate	

**TRANSMITTAL**

In regard to the above-referenced patent application, enclosed please find the following:

1. Statement Filed Pursuant To The Duty Of Disclosure Under 37 CFR §§1.56, 1.97 and 1.98 (6 pp.);
2. Form PTO-1449 (1 pg.);
3. Cited Art (1 references);
4. Statement of Limited Recognition Under 37 CFR § 10.9(b) (1 pg.); and
5. Return-Receipt Postcard.

If any additional fees are required to be paid or if any overpayment has been made, please charge same to Deposit Account No. 03-1721.

Respectfully submitted,  
CHOATE, HALL & STEWART

Dated: December 2, 2004

Charles E. Lyon, D.Phil.  
Agent for Applicant  
Limited Recognition Under 37 C.F.R. §10.9(b)

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**INFORMATION DISCLOSURE STATEMENT**

Pursuant to the duty of disclosure under 37 CFR §§ 1.56, 1.97 and 1.98, Applicant requests consideration of this Information Disclosure Statement.

Type of Statement

The present Information Disclosure Statement is:

- ☐ An *original* Information Disclosure Statement; or  
☒ A *supplemental* Information Disclosure Statement.

<b>Certificate of Mailing</b>	
I certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450	
<u>12-3-04</u> Date	<u>Sandra Saccocia</u> Signature
<u>Sandra Saccocia</u> Typed or Printed Name of person signing certificate	

Compliance with 37 CFR § 1.97

The present Information Disclosure Statement is being filed:

☒ Pursuant to 37 CFR § 1.97(b); no fee or certification is required:

☐ Within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d);

☐ Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application;

☒ Before the mailing of a first Office action on the merits; or

☐ Before the mailing of a first Office action after the filing of a request for continued examination under § 1.114.

☐ Pursuant to 37 CFR § 1.97(c) after the dates listed above but before the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *either*:

☐ Certifies that *either*:

☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or

- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement; or
- ☐ Includes herewith the fee set forth in § 1.17(p).
- ☐ Pursuant to 37 CFR § 1.97(d), after the mailing date of any of a final action under § 1.113, a notice of allowance under § 1.311, or an action that otherwise closes prosecution in the application; Applicant hereby *both*:
- ☐ Certifies that *either*:
- ☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the information disclosure statement; or
- ☐ That no item of information contained in the information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the

information disclosure statement was known to any individual  
designated in § 1.56(c) more than three months prior to the filing of  
the information disclosure statement; and

☐ Includes herewith the fee set forth in § 1.17(p).

#### Content of the Information Disclosure Statement

Applicant hereby makes of record in the above-identified application the reference(s) listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

Applicant includes copies of references as indicated below:

☒ A copy of each cited reference not indicated with a † is included;

☐ Copies of references indicated with a † on the attached form PTO-1449 are not included because the requirement to provide copies was waived pursuant to USPTO OG Notice of 8/5/03.

☐ Copies of English translations of one or more non-English references are included.

Applicant hereby makes the following additional information of record in the above-identified application:

Applicant certifies that the Information Disclosure Statement *either*:

☒ Does not contain non-English language citations;

☐ Includes one or more translations of a non-English citation; or

☐ Does contain non-English language citations, of which the following is a concise explanation:

## Remarks

The submission of this Information Disclosure Statement should not be construed as a representation that a search has been made.

The submission of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b).


The submission of this Information Disclosure Statement shall not be construed as a representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 USC § 102.

It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited patent(s) and publication(s) has (have) been fully considered by the Patent and Trademark Office during the examination of this application; and
3. The citations for the patent(s) and publication(s) be printed on any patent which issues from this application.

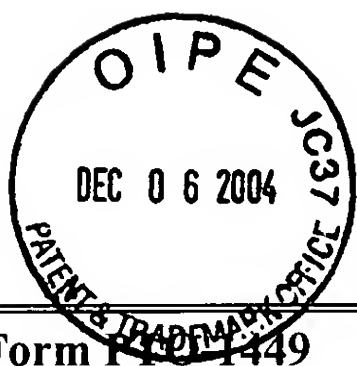
Notwithstanding any statements by Applicants, the Examiner is urged to form his or her own conclusions regarding the relevance of the cited reference(s).

Respectfully submitted,  
CHOATE, HALL & STEWART

  
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Charles E. Lyon, D.Phil.  
Agent for Applicant  
Limited Recognition Under 37 CFR § 10.9(b)

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Dated: December 2, 2004



<b>Form PTO 1449</b> (REV. 8-83)		U.S. Department of Commerce Patent and Trademark Office		Atty. Docket: 2003946-0080		In re Application No. 10/797,903	
<b>INFORMATION DISCLOSURE STATEMENT</b> (Use several sheets if necessary)				Applicant: Yamamoto, <i>et al.</i>			
				Filing Date: March 10, 2004		Group: 3612	
<b>U.S. PATENT DOCUMENTS</b>							
Examiner's Initials	U.S. Patent No.	Applicant	Issue Date	Class	Subclass		
<b>U.S. PATENT APPLICATIONS</b>							
Examiner's Initials:	Serial Number:	Applicant:	Filing Date:	Group:	Art Unit:		
<b>FOREIGN PATENT DOCUMENTS</b>							
Examiner's Initials	Document No.	Country	Publication Date	Translation			
				Yes	No		
<b>OTHER DOCUMENTS</b>							
Examiner's Initials	Citation (Including Author, Title, Date, Pertinent Pages, Etc.)						
	Croom, et al., "Imatinib Mesylate", <i>Drugs</i> , 63(5): 513-522, 2003.						
<b>EXAMINER</b>				<b>DATE CONSIDERED</b>			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							